**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION.**

WRIT PETITION No. 6242 OF 2004.

Shri. Bapusaheb Balasaheb Muke. Petitioner.
Age adult, Occupation nil, R/o Kavalapur,
Tal. Miraj, District Ratnagiri.

..Petitioner.

Vs.

1] The Chairman/Secretary,
Active Friend Circle,
Ratnagiri.

2] The Head Master,
Shramik Vidyalaya Shivak Ambere,
Tal. and District Ratnagiri.

3] The Education Officer (Sci)
Zilla Parishad, Ratnagiri.

4] State of Maharashtra,
Through: Secretary,
Department of Education,
Mantralaya, Mumbai. .. Respondents.

Mr.Manoj M. Kadam,Advocate holding for
Advocate A.J. Choughule,for the Petitioner.

**CORAM:R.M.S.KHANDEPARKAR,J.**

**DATED:23rd NOVEMBER, 2006.**

ORAL ORDER.

1. The petitioner challenges the order dated 27th November, 2000 passed by the School Tribunal, Kolhapur. The contention of the petitioner is that he was appointed in a clear and permanent vacancy for the Academic year 1995-96 and onwards and, therefore, his service could not have been terminated unless they were unsatisfactory, and, therefore, the termination order of 1st June, 1996

is bad in law. The Tribunal has clearly arrived at a finding that the petitioner had failed to establish that his appointment was on probation. Undisputedly, in the year 1996 the post which was occupied by the petitioner, was advertised. In response to the said advertisement even the petitioner has applied for and even appeared for the interview. However, he was not selected and only after the result of the said interview, the petitioner sought to file the Appeal before the School Tribunal. Besides, it is to be noted also that advertised post was meant for a Reserved Category Candidate and admittedly, the petitioner does not belong to the Reserved Category Candidate. Once it is apparent from the record that the petitioner had not challenged the advertisement of the post and further had applied for the said post in the year 1996, one fails to understand on what basis the petitioner contends that he was appointed on a permanent post for the said post in the year 1995 and that too the petitioner does not belong to a Reserved Category Candidate whereas the post is meant for the Reserved Category Candidate. The finding arrived at by the Tribunal having been clearly borne out from the record and cannot be said to be a perverse finding. There is no case made out for interference in the impugned order to

exercise power in writ jurisdiction under Article 227 of the Constitution. The petition is, therefore, rejected.

**[R.M.S.KHANDEPARKAR,J.]**